

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Clifford E. Avery, et al

-v-

William L. Wrenn, Commissioner,  
New Hampshire Department of Corrections

Case No. 217-2016-CV-00524

Affidavit of Elmer Lee Barron

1. I am a named plaintiff in the above captioned action.
2. For many years I worked for the maintenance Department of the New Hampshire State Prison (NHSP). Since 1997 I have worked in the duct ways, machine rooms, and plumbing chase ways throughout the entire prison.
3. In the Medium Custody North housing unit (MCN) where I reside. I have observed leaking floors above machinery for the heat and air exchangers. A lot of the duct work has huge holes in it where it has rusted out. This causes the air exchanger to draw dust, dangerous mold and stale air from the chase ways with little or no ventilation. Particles of rust are everywhere.
4. The plumbing leaks all over exposing the <sup>\*</sup>chase way floors to raw sewage which threatens the health and safety of myself as well as all other inmates living in the unit. (\* Area where water, air and steam enter the building. All toilets, & showers drain from this area behind all toilets and showers is called a chase way).

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(3)

5. Further, the floor in the bathroom area of my housing unit as well as many other units. Have not been properly grouted for so long that holes in the floor hold water and bacteria as well as urine. These serious sanitary conditions endangers the health and well being of my self as well as all other inmates in these housing units.

6. While working for maintenance I was tasked on several occasions over the years to try and stop leaks in the food preparation area of the NHSP kitchen. The building itself has problems but the plumbing is rusting out all over the building. Specifically in the ceiling under the food serving lines and the room where the food trays, cups and utensils are cleaned.

7. The sewage lines from the staff bathroom in dining hall three run directly over the coolers, in the food storage stock room where most of the meats, vegetables and milk are stored. I have had to replace several sections, because of rotted out pipes and traps to stop leaking raw sewage.

8. In the ceiling of the staff bathroom we have replaced pipes that had cracked and rotted out and were leaking into the culinary arts area as well as the bread cutting and food preparation area. These drains come from food serving line two (2) and after food serving is done this area is cleaned of ort with soap and chemicals which go down these drains.

9. The Secure Psychiatric Unit (SPU) had the same problem with living areas and cells. Eventually a roof top cage was built with a drainage system to alieve the problem. SPU has its own funding and can fix their issues. The NHDOC trys. to patch where it can instead of fixing problems strictly because of a lack of funding.

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The maintenance staff repeatedly have tried to make things right, but little or no money for preventive maintenance. It is a daunting task. I have personally seen the frustration of maintenance staff because all they could tell us was "do the best you can with what you have."

10. At one time I could work all day and go to hobbycraft, the ball field, or gym after first shift. This has been taken away because of the lack of funding for staff at NHSP. This denial of personal time has only added to depression and anxiety issues that I am being medicated for.

11. The medical and NHSP pharmacy because of staffing issues cannot fill prescriptions in a timely manner and I have to order two or three times to get my prescribed medications which I take for hypertension and diabetes. The following are a few examples of the vital medications I have been deprived of due to the failure of the NHSP pharmacy to fill my medications in a timely manner:

a) Atenolol is the medication I was prescribed for hypertension. I take it once a day. The information phamlet provided me by the pharmacy states in pertient part: "WARNING: Do not stop taking this drug all of a sudden. If you do, chest pain that is worse and in some cases heart attack may occur." The phamlet further states: "Keep taking this drug as you have been told by your doctor...even if you feel well. To gain the most benefit, do not miss doses." I have completely run out of the Atenolol several times and have a few times gone without it for several days as well as a couple weeks. All due to the failure of the NHSP pharmacy to fill my prescribed medications in a timely manner.

b) I also take Lisinopril and Hydrchlorothiazide for hypertension.